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N. W. 779. Others go farther and declare that, even though there be fraud, the action will not lie because the damage is too remote and indefinite. *Wellington v. Small*, 3 Cush. (Mass.) 145, 50 Am. Dec. 719.

In order that a conspiracy may be actionable, there must be an unwarrantable combination of two or more persons to do an unlawful thing. *Menner v. Slater*, 148 Cal. 284, 83 Pac. 35. Something must be done which, without the conspiracy, would give a right of action. *De Wulf v. Dix*, *supra*. A conspiracy to resist in a lawful manner the enforcement of a judgment is no actionable wrong. *Bitzer v. Washburn*, 121 Iowa 462, 96 N. W. 978. So where an attachment fails for insufficiency of the affidavit, and before the plaintiff can have another attachment, the debtor sells his property to conspiring third persons, the plaintiff does not thereby have a right of action, because the parties acted within the law. *Menner v. Slater*, *supra*. But where a judgment debtor gives without consideration a bill of sale to a third person conspiring to defeat execution, the judgment creditor has a right of action against both parties because of the fraud. *Hurwitz v. Hurwitz*, 9 Misc. 201, 30 N. Y. Supp. 208.

The cases holding that the action cannot be maintained because the damage is too remote and indefinite seem to be predicated, not on the conspiracy, but on the fact that no property right of the plaintiff has been invaded. Thus, where a third person purchased the debtor's property so as to prevent the creditor from collecting his debt, the creditor has no right of action. *Lamb v. Stone*, 11 Pick. (Mass.) 526. The result is the same where a third person concealed the debtor's goods. *Wellington v. Small*, *supra*. In these cases it is said that the conversion merely lessened the plaintiff's chances of acquiring a right in the property. These chances depend on innumerable contingencies and are only a matter of conjecture. But where third persons, having a fictitious debt, attach a debtor's property a few hours prior to the creditor's levy of attachment, in order to defeat the creditor's attachment and thereby prevent him from collecting his debt, such creditor can recover, since the whole proceedings were a fraud on the creditor's validly acquired property rights. *Adams v. Paige*, 7 Pick. (Mass.) 542. The reason and policy of the decision of the principal case and the supporting cases cited are irresistible.

CONSTITUTIONAL LAW—CENSORSHIP OF MOVING PICTURES—POLICE POWER—DUE PROCESS OF LAW.—An act of a state legislature, in the exercise of the police power, provided for the appointment of a state board of censors to regulate the operation and exhibition of moving pictures. *Held*, the statute does not violate the due process of law clause of the United States Constitution. *Buffalo Branch, Mutual Film Corporation et al. v. Breiting et al.* (Pa.), 95 Atl. 433.

The police power of the states extends to all matters relating to the promotion of domestic order and the protection and preservation of public morals, safety, and health. *Crowley v. Christensen*, 137 U. S. 86. The regulation of the exhibition of moving pictures by censorship is intended for and results in the protection of the public morals, and is consequently within the police power of the states. *Mutual Film Cor-*

poration v. Industrial Com. of Ohio, 236 U. S. 230; *Block v. City of Chicago*, 239 Ill. 251, 87 N. E. 1011, 130 Am. St. Rep. 219. See 13 MICH. L. REV. 515; 14 MICH. L. REV. 138. It is not a delegation of legislative authority for the state legislature to clothe an administrative board or officer with power to issue permits to exhibit moving pictures when the picture is not immoral or obscene, though the circumstances of the case necessitate the use of discretion. *Mutual Film Corporation v. Industrial Com. of Ohio*, *supra*; *Mutual Film Corporation v. Hodges*, 236 U. S. 248. Nor does the censorship by a state board of moving pictures intended for exhibition within the state interfere with interstate commerce. *Mutual Film Corporation v. Industrial Com. of Ohio*, *supra*. Nor is it discriminatory or unreasonable. *Block v. City of Chicago*, *supra*. A state statute providing for the censorship of moving pictures does not violate a clause in the state constitution guaranteeing the freedom of the press. *Mutual Film Corporation v. Industrial Com. of Ohio*, *supra*; *Mutual Film Corporation v. Hodges*, *supra*. See 2 VA. L. REV. 216. It has been held that an ordinance giving a chief of police power to issue permits to exhibit moving pictures, and further providing that no permit should be issued to show any immoral or obscene picture, is not a delegation of a discretionary or judicial power by the legislature; and also that such an ordinance did not deny one due process of law, since no one has the right to exhibit immoral pictures. *Block v. City of Chicago*, *supra*.

CONSTITUTIONAL LAW—POLICE POWER—MUNICIPAL CORPORATIONS—SEGREGATION OF RACES.—A city council passed an ordinance making it unlawful for members of one race to occupy, as a place of abode, a house in a block where the majority of the residences were occupied by members of the other race. The ordinance contained no provision protecting rights already vested. The defendant, a negro, moved into a block where a majority of the residences were occupied by white people. Defendant was prosecuted for violating the ordinance and defended on the ground that it was invalid. *Held*, the ordinance is valid, as to rights vesting after its enactment. *Hopkins v. City of Richmond* (Va.), 86 S. E. 139. See NOTES, p. 304.

FEDERAL EMPLOYERS' LIABILITY ACT—ACTION IN STATE COURT—JURY.—An action was brought under the Federal Employers' Act in the court of a state, which by statute, provided for a civil jury of seven. *Held*, The Seventh Amendment of the Constitution of the United States does not apply to actions under the Act in state courts; and that the action might be tried by a jury of seven. *Chesapeake & O. R. R. Co. v. Carnahan* (Va.), 86 S. E. 863. See NOTES, p. 312.

INSURANCE—MUTUAL BENEFIT INSURANCE—RIGHTS OF BENEFICIARY.—The insured took out a life insurance policy in a benefit insurance society, payable at his death to certain beneficiaries. Subsequently, the insured became feeble in health and weak in mind, and therefore easily influenced; and the defendant, one of the beneficiaries, induced him to make the policy payable to her alone. On his death the defendant collected the amount due under the policy; and the plaintiff, another beneficiary,